AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4323 OF 2006
IN
FIRST APPEAL NO.414 OF 2007

M.S.R.T.C. ...Applicant
Versus
Vasant Mahadu Patil & Ors. ...Respondents

Shri L.M.Lokesh i/by Shri G.S.Hegde for the Applicant.
Shri S.A.Rajeshirke for the Respondent Nos.1 to 5.

CORAM : ABHAY S.OKA, J.
DATED : FEBRUARY 14, 2007.

P.C.:

1. Rule. Advocate for the Respondent Nos.1 to 5 waives service. Taken up for hearing forthwith. My attention has been invited to the calculations made by the trial Court in paragraph No.18 of the Judgment. It is submitted by the Advocate for the Respondents that the salary of the deceased is taken on the lower side and the same is contrary to the evidence on record. The case of the Applicant is that bus of the Applicant was not involved in the accident which has been disbelieved by the trial Court.

2. Considering the facts and circumstances of the case, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to the Applicant depositing the entire amount due and payable as per the impugned Award with the concerned Tribunal within a period of six weeks from today. If the amount is not deposited within the stipulated time, interim relief will stand vacated without further reference to the court.

(ii) If the amount is deposited, the trial Court will permit the first Respondent to withdraw a sum of Rs.1,00,000/- without security. The trial Court will permit the Respondent Nos.2 and 3 to withdraw a sum of Rs.30,000/- each without security. The trial Court will permit the first Respondent to withdraw a further amount of Rs.1,00,000/- on furnishing adequate security. Rest of the amount shall be invested by the Tribunal in fixed deposit in any nationalised bank initially for a period of three years and thereafter fixed deposit shall be renewed from time to time till disposal of the Appeal.

(iii) The fourth and fifth Respondents will be entitled to withdraw 25% each out of the interest accrued on the fixed deposit.

(iv) No orders as to costs.

Judge.